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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,775	06/25/2003	Nobutsuna Motohashi	K06-158957M/TBS	2238

7590 04/20/2004  
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EXAMINER

CORRIGAN, JAIME W

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/602,775

Applicant(s)

MOTOHASHI, NOBUTSUNA

Examiner

Jaime W Corrigan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (PN 5,535,641) in view of legal precedence.

Regarding claim 1 Uchida discloses a body (See Figure 1 (1)); and a valve engaging portion (See Figure 1 (6)) provided at the body, with which the valve is engaged, the valve engaging portion including, a pair of valve guide walls (See Figure 1 (3)) opposed to each other, a connecting wall (See Figure 3 (60)) connecting the pair of valve guide walls with each other, and a pair of excess thickness portions (See Figure 3 (T<sub>1</sub>)) formed on the pair of valve guide walls, respectively, the pair of excess thickness portions (See Figure 3 (T<sub>1</sub>)) being formed by portions of the pair of valve guide walls (See Figure 1 (3)) which plastically flow when the pair of valve guide walls are formed by dies, respectively.

With regard to the limitations of "plastically flow" and "dies", a product by process claim which is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with

evidence establishing an unobvious difference between the two. See *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

Regarding claim 2 Uchida discloses the connecting wall (See Figure 3 (60)) connects the pair of valve guide walls with each other in a first direction, and the pair of excess thickness (See Figure 3 (T<sub>1</sub>)) portions are projected from the pair of valve guide wall in a second direction substantially perpendicular to the first direction, respectively.

Regarding claim 3 Uchida discloses each of the pair of valve guide walls (See Figure 1 (3)) includes a side surface to which the connecting wall is connected, and a bottom surface (See Figure 3 (60)) substantially parallel to a bottom surface of the connecting wall, the pair of excess thickness (See Figure 3 (T<sub>1</sub>)) portions are formed on the bottom surfaces (See Figure 3 (60)) of the pair of valve guide walls.

Regarding claim 4 Uchida discloses the bottom surfaces (See Figure 3 (60)) of the pair of valve guide walls is projected from the bottom surface of the connecting wall (See Figure 3 (60)) in the second direction.

Regarding claim 5 Uchida discloses the pair of excess thickness (See Figure 3 (T<sub>1</sub>)) portions are extended along the bottom surfaces of the pair of valve guide

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Walls (See Figure 1 (3)) in a third direction substantially perpendicular to the first and second directions.

Regarding claim 6 Uchida discloses a width of each of the pair of excess (See Figure 3 ( $T_1$ )) thickness portions is set to be less than half and more than one-fifth of a width of the bottom surface of each of the pair of valve guide walls.

With regard to the limitations of "plastically flow" and "dies", a product by process claim which is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with evidence establishing an unobvious difference between the two. See *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

#### ***Allowable Subject Matter***

Claim 7 is allowed.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akao et al. (PN 4,803,766), Daigo (PN 5,946,800) disclose similar rocker arms.

Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose telephone number is (703) 308-2639. The

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examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2<sup>nd</sup>

Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan

*Jaime Corrigan*

Patent Examiner

April 18, 2004

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*Thomas Denion*

THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700